

| | | |
|---|---|--|
| FORM PTO-139 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | ATTORNEY DOCKET NUMBER PSU-0016 |
| | | U.S. APPLICATION NO. (if known see 37 C.F.R. 1.5) 09/623,568 |
| INTERNATIONAL APPLICATION NO. PCT/US99/04996 | INTERNATIONAL FILING DATE 05 March 1999 | PRIORITY DATE CLAIMED 05 March 1998 |
| TITLE OF INVENTION USE OF HUMAN HOMOLOG OF A NUCLEAR MIGRATION GENE FOR TREATMENT AND DIAGNOSIS OF CANCER | | |
| APPLICANT(S) FOR DO/EO/US Barbara MILLER, et al. | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| Items 11. to 16. below concern other document(s) or information included: | | |
| <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 5.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input checked="" type="checkbox"/> Other items or information: <ul style="list-style-type: none"> - Transmittal Letter submitting Sequence Listing. - Sequence Listing in computer readable form (1 diskette) and written form (8 sheets). - Statement to Support Filing and Submission. - Petition for Extension of Time. - Change of Correspondence Address. - Copy of Notification of Missing Requirements. | | |

RECEIVED

DEC 26 2001

TECH CENTER 1600/2000

RECEIVED

MAY 03 2002

GROUP 3000

EXPRESS MAIL Mailing Label No. 899364589 US
 Date of Deposit: 13 November 2001
 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231
 MAILER John Hill
 SIGNATURE [Signature]

EL899364589US

U.S. APPLICATION NO. (if known 37 C.F.R. 1.5)
02/623,568

INTERNATIONAL APPLICATION NO.
PCT/US99/04996

ATTORNEY DOCKET NUMBER
PSU-0016

17. The following fees are submitted:
Basic National Fee (37 CFR 1.492(a)(1) - (5)):
 Neither international preliminary examination fee (37 CFR 1.482)
 nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
 and International Search Report not prepared by the EPO or JPO.....\$1,040.00

International preliminary examination fee (37 CFR 1.482 not paid to USPTO
 but International Search Report has been prepared by the EPO or JPO.....\$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but
 international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$740.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but
 all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and
 all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00

CALCULATIONS PTO USE ONLY

RECEIVED
DEC 26 2001
TECH CENTER 1600/2900

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than _ 20 _ 30 months from
the earliest claimed priority date (37 CFR 1.492(e)).

| Claims | Number Filed | Number Extra | Rate | |
|--|--------------|--------------|------------|----|
| Total claims | - 20 = | | X \$18.00 | \$ |
| Independent Claims | - 3 = | | x \$84.00 | \$ |
| Multiple dependent claims(s) (if applicable) | | | + \$280.00 | \$ |

TOTAL OF ABOVE CALCULATIONS =

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are
reduced by 1/2.

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than the _ 20 _ 30 months
from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for Petition for Extension of Time (Small Entity) + \$200.00

TOTAL FEES ENCLOSED = \$200.00

Amount to be:
refunded \$
charged \$

- a. A check in the amount of \$ 200.00 to cover the above fee is enclosed.
- b. Please charge my Deposit Account No. 23-3050 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3050. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must
be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Janet E. Reed
Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100

SIGNATURE

Janet E. Reed
NAME

36,252
REGISTRATION NUMBER

RECEIVED
MAY 03 2002
GROUP 3000

RECEIVED

JUL 16 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/623568 | MILLER | B 98-1895 |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/US99/04996 | | |
| I.A. FILING DATE | | PRIORITY DATE |
| 05 MAR 99 | | 05 MAR 98 |
| DATE MAILED: 11 JUL 2001 | | |

THE PENNSYLVANIA STATE UNIVERSITY
113 TECHNOLOGY CENTER
UNIVERSITY PARK, PA 16802

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):
- U.S. Basic National Fee.
 - Copy of the international application.
 - Oath or Declaration of inventors(s).
 - Copy of Article 19 amendments.
 - Priority Document.
 - The International Preliminary Examination Report in English and its Annexes, if any.
 - Translation of Annexes to the International Preliminary Examination Report into English.
 - Indication of Small Entity Status.
 - Translation of the international application into English.
 - Translation of Article 19 amendments into English.
 - Other:
2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- U.S. Basic National Fee.
 - Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$_____ as a large entity small entity, including any required multiple dependent claim fee, are required: Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875 PCT/DO/EO/920 Pat Booker, Paralegal
FORM PCT/DO/EO/905 (March 2001) Telephone: (703)305-3738



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| | | |
|---|---------------------------------|-------------------------------|
| U.S. APPLICATION NO. 09/623568 | FIRST NAMED APPLICANT MILLER | ATTY. DOCKET NO. B 98-1895 |
| INTERNATIONAL APPLICATION NO. PCT/US99/04996 | | |
| I.A. FILING DATE 05 MAR 99 | PRIORITY DATE 05 MAR 98 | |

THE PENNSYLVANIA STATE UNIVERSITY
113 TECHNOLOGY CENTER
UNIVERSITY PARK, PA 16802

DATE MAILED: 11 JUL 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- Other: _____

APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:**

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Pat Booker, Paralegal

Telephone: (703) 305-3738